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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,795	11/13/2001	Don Hideyasu Matsubayashi	36.P271	6116

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EXAMINER

WU, QING YUAN

ART UNIT PAPER NUMBER

2194

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,795

Applicant(s)

MATSUBAYASHI ET AL.

Examiner

Qing-Yuan Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/8/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/28/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-60 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, 13-14, 16, 18-22, 28-29, 31, 33-37, 43-44, 46, 48-52, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al (hereafter Theimer) (U.S. patent 5,611,050), in view of Bennett (U.S. PG Pub US20020007422A1), further in view of Davis et al (hereafter Davis) (U.S. Patent 5,633,932).

4. Theimer, Bennett and Davis was cited in the previous office action.

5. As to claim 1, Theimer teaches the invention substantially as claimed including a method for a user to remotely obtain exclusive control of a device over a network, the method comprising the steps of:

remotely establishing communication with the device over the network [col. 4, lines 40-43];

requesting to obtain remote exclusive control of the device's capabilities [col. 26, lines 27-33, 44-50; 500, Fig. 18];

determining whether the device is available for the user to obtain remote exclusive control of the device's capabilities [col. 26, lines 50-51; 502, Fig. 18] ;

in a case where the determining step determines that the device is available for the user to obtain remote exclusive control of the device's capabilities, providing the user remote exclusive control of the device's capabilities [col. 26, lines 57-65; 506, 508, 510, Fig. 18].

6. Theimer does not specifically teach adding the user to a reservation queue of users requesting exclusive control of the device's capabilities when device is not available for the user to obtain remote exclusive control of the device's capabilities, and providing remote exclusive control of the device's capabilities to the user when the user reaches a first position within the reservation queue. However, Theimer disclosed denying request when the device is not available for the user to obtain remote exclusive control of the device's capabilities [col. 26, lines 51-53; 504, Fig. 18], and is well known in the art to queue requests when a service provider (i.e. processor, server, device, etc.) is busy. In addition, Bennett teaches queuing and retrieving access request in a wait queue based on priorities and granting exclusive access to the application on the exclusive queue if the exclusive queue has an application of higher priority (i.e. first position) than any and all application in the non-exclusive queue [Bennett, pg. 9, paragraph 92, lines 9-10; paragraph 96, lines 3-7].

7. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined Bennett's request queuing method to Theimer's method of requesting exclusive control because by queuing requests rather than simply denying access when a resource is busy reduces network traffics (i.e. denied request causing client to make additional request attempts) and produce a more efficient method of managing requests.

8. Fruthermore, Theimer does not specifically teach requesting to process a job using the device's capabilities and adding the requested job to a job queue of jobs to be processed using the device's capabilities, wherein if the user has been provided remote exclusive control of the device's capabilities, at least one job within the job queue, corresponding to a user other than the user who has been provided remote exclusive control of the device's capabilities, is deferred from being processed until remote exclusive control of the device's capabilities by the user who has been provided remote exclusive control is relinquished. However, Theimer disclosed exclusive access to a device's capabilities [col. 26, lines 27-30]. In addition, Davis teaches refraining from printing (deferred) a document until an intended recipient is present, transferring document from sending node to printing node to be printed, and queuing a job [Davis, col. 2, lines 50-54; col. 3, lines 25-28; col. 5, lines 13-24; col. 6, lines 45-48].

9. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teachings of Theimer, Bennett, and Davis because Davis' teachings allow the user with current exclusive access to have priority access to the device's capabilities.

10. As to claim 2, this claim is rejected for the same reason as claim 1 above.

11. As to claim 3, this claim is rejected for the same reason as claim 1 above.

12. As to claim 4, Theimer as modified teaches the invention substantially as claimed including in a case where the determining step determines that the device is under exclusive control of another user, further comprising determining whether the user requesting remote exclusive control of the device has a higher priority than the other user and, if the requesting user does have a higher priority than the other user, temporarily yielding exclusive control of the device to the requesting user, thereby providing the requesting user with remote exclusive control of the device [Bennett, pg. 9, paragraph 92, lines 1-8; paragraph 97, lines 4-6].

13. As to claim 5, Theimer as modified teaches the invention substantially as claimed including wherein the determining step comprises determining whether the user is authorized to obtain remote exclusive control of the device [col. 27, lines 3-5; 520, Fig. 19].

14. As to claim 6, this claim is rejected for the same reason as claim 1 above.

15. As to claim 7, this claim is rejected for the same reason as claims 1 and 6 above. In addition, Theimer as modified does not specifically teach notifying the user that remote exclusive control has been provided. However, Bennett disclosed processing notification

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messages from equipment to applications notifying the applications the status of the equipment [Bennett, paragraph 66, lines 1-11; paragraph 68, lines 12-15; Fig. 3B].

16. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognize that the teaching of Bennett would include informing the user the availability of the device and the status of the user's (application's) request, in order for the user to perform/confirm its operations using the device's capabilities in a timely manner without delaying other users or taking up the capacity of the queue.

17. As to claims 8-9, these claims are rejected for the same reason as claim 7 above. In addition, Theimer as modified teaches waiting a predetermined time for the user to confirm that remote exclusive control is to be provided and after the predetermined time has elapsed, removing the user from the reservation queue [Davis, col. 5, lines 25-33].

18. As to claims 10-12, these claims are rejected for the same reason as claims 1 and 8. In addition, Theimer as modified does not specifically teach moving the user to a new position within the reservation queue, wherein the new position is a last position within the reservation queue, and wherein the new position is based on the user's priority as compared with other user's in the reservation queue. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made, to lower the request's priority (given it the lowest priority) or resorting the request in the queue base on its priority.

19. As to claim 13, Theimer as modified does not teach wherein the device is a multifunction device and wherein the device's capabilities comprise printing, facsimile, scanning and copying. However, Theimer disclosed various computing devices that includes printer, copier, Tab, Board, etc. [col. 5, line 54; col. 14, lines 22-23; col. 26, lines 27-31]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the computing devices of Theimer are not limited to the above examples and could include multifunction device with the capabilities of printing, facsimile, scanning and copying.

20. As to claim 14, this claim is rejected for the same reason as claim 5 above.

21. As to claim 15, this claim is rejected for the same reason as claim 2. In addition, Theimer as modified teaches substantially in a case where the user is provided with remote exclusive control of the device, further comprising the steps of:

obtaining identification information of the user [Theimer, col. 27, lines 3-7; 520, Fig. 19; Davis, col. 5, lines 35-38;]; and

based on the obtained identification information, automatically manipulating print jobs within a print queue so as to print out print jobs pending in the print queue for the user during a period in which the user maintains remote exclusive control of the device, while temporarily deferring other print jobs pending in the print queue [Davis, col. 6, lines 41-48; 350, 355, 360, Fig. 3].

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22. As to claims 16-30, these are computer-executable process claims that correspond to the method claims 1-15. Therefore, they are rejected for the same reason as claims 1-15 above.

23. As to claims 31-45, these are computer-readable medium claims that correspond to the method claims 1-15. Therefore, they are rejected for the same reason as claims 1-15 above.

24. As to claims 46-60, these are apparatus claims that correspond to the method claims 1-15. Therefore, they are rejected for the same reason as claims 1-15 above.

Response to Arguments

25. Applicant's arguments filed 4/8/05 have been fully considered but they are not persuasive.

26. In the remarks, Applicant argued in substance that:

a. The applied art is not seen to disclosed or to suggest at least the feature of, in a case where it is determined that a device is not available for a user to obtain remote exclusive control of the device's capabilities, adding the user to a reservation queue of users requesting exclusive control of the device's capabilities.

b. The applied art is not seen to disclosed or to suggest providing remote exclusive control of the device's capabilities to the user when the user reaches a first position within the reservation queue, the user is provided with device's capabilities to the user

when the user reaches a first position within the reservation queue such that the user then requests to process a job and the requested job is added to a queue of jobs to be processed, with at least one job within the job queue, corresponding to a user other than the user who has been provided remote exclusive control of the device's capabilities, being deferred from being processed until remote exclusive control of the device's capabilities by the user who has been provided remote exclusive control is relinquished.

27. Examiner respectfully traversed Applicant's remarks:

28. As to points (a), this rejection is based on the examiner's conclusion of obviousness. Theimer disclosed denying request when the device is not available for the user to obtain remote exclusive control of the device's capabilities [col. 26, lines 51-53; 504, Fig. 18], and Bennett teaches if a requested resource has already been "taken" by another application (i.e. not available) queuing the exclusive access request in a exclusive queue, granting and removing the application from the exclusive queue if the application in the exclusive queue has the highest priority compared to other applications (i.e. made available the exclusive queue for possible subsequent application requesting exclusive access) [Bennett, pg. 9, paragraphs 92-93, 96]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Theimer with Bennett.

29. As to point (b), applicant's arguments with respect to these limitations are mooted in view of the new ground of rejection.

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

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ST. JOHN COURTENAY III
PRIMARY EXAMINER